

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) LARRY GREEN,)
)
)
Plaintiff,)
)
v.) Case No. CIV-17-450-R
) (Formerly Oklahoma County
(1) RELIABLE BUILDING SERVICE,) Case No. CJ-2017-1796)
LLC, a domestic limited liability)
company,)
(2) UHS OKLAHOMA CITY,)
LLC, a domestic limited)
liability company,)
(3) BILL EDDY, individually,)
)
Defendants.)

NOTICE OF REMOVAL

Defendants, pursuant to 28 U.S.C. §§1331, 1441 and 1446, remove this action from the District Court of Oklahoma County, Oklahoma (where it was filed as Case No. CJ-2017-1796) to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Defendants state as follows:

1. On March 28, 2017, Plaintiff filed suit in the District Court of Oklahoma County, State of Oklahoma, against Defendants. The case was assigned Case No. CJ-2017-1796. A copy of the Petition is attached hereto as Exhibit 1.
2. The civil summons, Petition and Entries of Appearance (the “State Court Acton”) were served by certified mail on Defendant UHS on March 30, 2017. However, Defendants’ counsel agreed to accept service. Plaintiff confirmed via e-mail for

Defendants RBS and Eddy, and via phone for Defendant UHS that the service date would be April 5, 2017. *See Exhibit 2.*

3. Defendants have not yet filed answers or responsive pleadings in the State Court Action. In filing this Notice of Removal, Defendants do not waive any defense or counterclaim that may be available to them.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, and the action may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441. The Petition alleges civil action arising under the Constitution, laws, or treaties of the United States; specifically the Petition alleges claims arising under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*

5. Removal of this action from the District Court of Oklahoma County, State of Oklahoma, to this Court is, therefore, proper under 28 U.S.C. § 1441, because this Court would have had original jurisdiction of the action under 28 U.S.C. § 1331 had the action been initially filed in this Court.

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of Defendants' receipt of the Petition and within one (1) year of the commencement of the action.

7. Written notice of the filing of this Notice of Removal will be given to Plaintiff, by and through his counsel of record in the State Court Action. Also, as required by 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of the District Court of Oklahoma County, Oklahoma, the court in which the State Court Action was filed.

8. In accordance with LCvR 81.2, Fed. R. Civ. P. 81 and 28 U.S.C. § 1446(a), copies of all process and pleadings previously served upon Defendants are attached hereto as Exhibits 3 through 6.

9. A true and correct copy of the docket sheet in the State Court Action, current through the date of this filing, is attached hereto as Exhibit 7. No motions are pending in the State Court Action, nor are any hearings currently set.

WHEREFORE, Defendants respectfully remove this action to this Court.

Respectfully submitted,

s/Paul A. Ross

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s/Kristen L. Brightmire

(Signed by Paul A. Ross with permission)

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**ATTORNEYS FOR DEFENDANTS
RELIABLE BUILDING SERVICE, LLC
AND BILL EDDY**

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/Paul A. Ross

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